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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,331	11/06/2001	Yoichiro Sako		3841

7590

04/05/2006

Jay H Maioli
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1185 Avenue of the Americas
New York, NY 10036

EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/009,331	SAKO ET AL.	
	Examiner	Art Unit	
	Rob Rhode	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 7, 15 - 17 and 48 - 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 7, 15 - 17 and 48 - 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1-20-06 has been entered.

Response to Amendment

Applicant amendment of 1-20-05 amended claims 1, 47 and 48 and canceled claims 8 – 14 and 18 - 47 as well as traversed rejections of Claims 1 – 7 and 15 -17 and 48 - 49.

Currently, claims 1 - 7, 15 - 17 and 48 - 49 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 5, 7, 15 - 17 and 47 - 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney (US 6,381,583 B1) in view of Kurokawa (US 5,929,930).

Regarding claim 1, Kenney teaches an information service method, comprising steps of: synchronously transmitting program data and information associated with at least a program of the program data; receiving the program data and the associated information; reproducing the received program data and displaying the reproduced program data on a displaying device; and extracting information associated with a portion desired and selected by a viewer from the program data and the associated and selected by a viewer from the program data displayed on the displaying device from the information associated with the program (see at least Abstract, Col 2, lines 40 – 65, Col 10, lines 29 – 36 and 53 – 61 and Figures 4 and 9).

While Kenney discloses overlaying functions, which occur simultaneously and depicting a smaller associated screen, the reference does not specifically disclose and teach a method for simultaneously on a child screen superimposed on the reproduced program data displayed on the displaying section.

On the other hand and in the same area of superimposing a child screen on a display of program data, Kurokawa teaches a method for simultaneously on a child screen

superimposed on the reproduced program data displayed on the displaying section (see at least Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Kenney with the method of Kurokawa to have enabled a method for simultaneously on a child screen superimposed on the reproduced program data displayed on the displaying section. Kenney discloses an information service method, comprising steps of: synchronously transmitting program data and information associated with at least a program of the program data; receiving the program data and the associated information; reproducing the received program data and displaying the reproduced program data on a displaying device; and extracting information associated with a portion desired and selected by a viewer from the program data and the associated and selected by a viewer from the program data displayed on the displaying device from the information associated with the program (see at least Abstract, Col 2, lines 40 – 65, Col 10, lines 29 – 36 and 53 – 61 and Figures 4 and 9). In turn, Kurokawa, in the same area of displaying information discloses a method for simultaneously on a child screen superimposed on the reproduced program data displayed on the displaying section (see at least Abstract). Therefore, one of ordinary skill in the art would have been motivated to extend the method of Kenney with a method for simultaneously on a child screen superimposed on the reproduced program data displayed on the displaying section. In this manner, the user will include the ability

to use an overlay function such as child window for selecting and storing the selection of the commodity.

Regarding claim 2, Kenney teaches an information service method, wherein the method is a method for buying the selected consumer commodity (Figure 9).

Regarding claim 3, Kurokawa teaches an information service method, wherein the selected consumer commodity is displayed on a child screen of the displaying portion (Abstract).

Regarding claim 4, Kenney teaches an information service method, wherein the selected consumer commodity and the information associated with the selected consumer commodity are switchably displayed on the child screen (Figure 9).

Regarding claim 5, Kenney teaches an information service method as wherein the information associated with the selected consumer commodity contains at least information about a price of the selected information about a name of that consumer commodity (Figure 9).

Regarding claim 6, Kenney teaches an information service method, wherein the information associated with the selected consumer commodity further contains information about a store from which the selected consumer commodity can be bought (Figure 3).

Regarding claim 7 and related claim 15, Kenney teaches a information service method wherein the information associated with the consumer commodity further contains information consumer commodity is bought through a network (Abstract).

Regarding claim 16, Kenney teaches an information service method, wherein the information associated with the selected consumer commodity is data paired with bit map addresses of a display screen for the program data (Col 5, lines 62 - 63).

Regarding claim 17, Kenney teaches an information service method, wherein the information associated with the selected consumer commodity-is transmitted so that the information is synchronized with a picture of the program data (Figures 4 and 9).

Regarding Claim 48, Kenney teaches an information service method, wherein the information associated with the stored information is provided from an external apparatus when the stored information is transmitted to the external apparatus (Abstract and Figures 4 and 9).

Regarding claim 49, Kenney teaches a information service method, wherein the information associated with the stored information is provided independently with the program data by referring to the stored information (Figures 4 and 9).

Response to Arguments

Applicant's arguments with respect to claims 1 - 7 and 15 – 17 and 48 - 49 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is Jang (US 6,573,908 B1), which discloses as did Gerba (US 5, 931,908) of synchronously incorporating in a transmitted program data information associated with a commodity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **571.272.6761**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mark Fadok** can be reached on **571.272.6755**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571.273.8300

[Official communications; including

After Final communications labeled

"Box AF"]

[Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

RER

A handwritten signature in black ink, appearing to read "R. E. Model". The signature is written in a cursive, flowing style with a large initial "R" and a distinct "Model" at the end.